

Adopted	Rejected
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COMMITTEE REPORT

YES: 9

NO: 0

MR. SPEAKER:

*Your Committee on Public Safety and Homeland Security, to which was referred Senate Bill 56, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Replace the effective dates in SECTIONS 1 through 52 with
- 2 "[EFFECTIVE APRIL 15, 2005]".
- 3 Page 1, delete lines 7 through 9.
- 4 Page 1, line 10, delete "(1) (2)" and insert "(1)".
- 5 Page 1, line 10, delete "." and insert ",".
- 6 Page 1, line 11, reset in roman "who shall serve as".
- 7 Page 1, line 11, after "chairman" insert "**chair**".
- 8 Page 1, line 11, reset in roman "of the board."
- 9 Page 1, between lines 11 and 12, begin a new line block indented
- 10 and insert:
- 11 "**(2) The deputy director of the division of preparedness and**
- 12 **training of the department of homeland security. The deputy**
- 13 **director shall serve as the vice chair of the board.**".
- 14 Page 6, between lines 7 and 8, begin a new line block indented and
- 15 insert:
- 16 "**(22) A member of a state or local emergency management**

1 **agency."**

2 Page 8, line 13, strike "subdivision" and insert "**subsection**".

3 Page 10, between lines 24 and 25, begin a new line block indented
4 and insert:

5 **"(7) Develop a plan to protect key state assets and public**
6 **infrastructure from a disaster or terrorist attack."**

7 Page 10, line 30, after "director" insert "**, or the executive**
8 **director's designee,"**.

9 Page 10, line 37, delete "The" and insert "**Except as provided in**
10 **subsection (e) or (f), the**".

11 Page 11, between lines 3 and 4, begin a new paragraph and insert:

12 **"(e) The boiler and pressure vessel rules board established by**
13 **IC 22-12-4-1 is the authority that adopts:**

14 **(1) emergency rules under IC 22-13-2-8(c); and**

15 **(2) rules under IC 22-15-6.**

16 **(f) The regulated amusement device safety board established by**
17 **IC 22-12-4.5-2 is the authority that adopts rules under IC 22-15-7."**

18 Page 11, between lines 26 and 27, begin a new paragraph and insert:

19 **"Sec. 5. The executive director may adopt rules under IC 4-22-2**
20 **to establish continuing education requirements relating to any**
21 **certifications issued by the division."**

22 Page 12, line 8, delete "Serve as secretary for" and insert "**Provide**
23 **staff to support**".

24 Page 12, between lines 13 and 14, begin a new paragraph and insert:

25 **"(c) The state fire marshal may delegate the state fire marshal's**
26 **authority to the appropriate division staff."**

27 Page 12, between lines 15 and 16, begin a new paragraph and insert:

28 **"(b) An individual must be a design professional with not less**
29 **than ten (10) years of experience in the building trades industry to**
30 **be the building law compliance officer."**

31 Page 12, line 16, delete "(b)" and insert "**(c)**".

32 Page 12, line 38, delete "his" and insert "**the speaker's**".

33 Page 12, line 40, delete "his" and insert "**the president pro**
34 **tempore's**".

35 Page 15, line 35, delete "the following:" and insert "**any public**
36 **safety or health services provider that the division determines will**
37 **benefit from the training."**

38 Page 15, delete lines 36 through 42.

- 1 Page 16, delete line 1.
- 2 Page 26, line 13, delete "A commission member may".
- 3 Page 26, line 13, strike "serve a" and insert "**The**".
- 4 Page 26, after "of" insert "**a commission member is**".
- 5 Page 27, between lines 10 and 11, begin a new line block indented
6 and insert:
- 7 **"(18) Energy conservation codes and standards, including the**
8 **manner in which energy conservation codes and standards**
9 **apply to:**
- 10 **(A) residential;**
11 **(B) single and multiple family dwelling; or**
12 **(C) commercial;**
13 **building codes."**
- 14 Page 27, line 13, delete "(f)".
- 15 Page 27, line 13, strike "An appointed member of the commission
16 may not serve more".
- 17 Page 27, strike lines 14 through 16, begin a new paragraph and
18 insert:
- 19 "SECTION 33. IC 22-12-2-5 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 5. The ~~commission~~
21 ~~governor~~ shall ~~annually elect a chairperson from among its members.~~
22 **appoint a member of the commission to be the commission's chair.**
- 23 **(b) The member appointed by the governor serves as the**
24 **commission's chair at the governor's pleasure.**
- 25 SECTION 34. IC 22-12-2-6 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 6. (a) The
27 commission shall meet at least quarterly.
- 28 (b) A quorum of the commission consists of ~~ten (10)~~ **six (6)**
29 members. IC 4-21.5-3-3 applies to a commission action governed by
30 IC 4-21.5. The ~~commission may take other actions by an affirmative~~
31 ~~vote of:~~
- 32 **(1) nine (9) members, if less than nineteen (19) voting members**
33 **are present and voting on the action; or**
34 **(2) ten (10) members, if nineteen (19) members are present and**
35 **voting on the action.**
- 36 **(c) In the case of a tie vote on an action of the commission, the**
37 **deciding vote shall be cast by the:**
- 38 **(1) state fire marshal, in even-numbered years; or**

1 (2) ~~state building commissioner, in odd-numbered years.~~"

2 Page 27, line 32, after "state" insert "**division of fire and**".

3 Page 27, line 32, delete "law compliance officer in" and insert
4 "**safety of**".

5 Page 27, between lines 34 and 35, begin a new paragraph and insert:

6 "SECTION 36. IC 22-13-5-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 1. As used in this
8 chapter, "interested person" refers to a person that has a dispute with a
9 county or a municipality regarding the interpretation of a building law
10 **or a fire safety law.**"

11 Page 27, line 40, delete "." and insert "**or a fire safety law.**".

12 Page 27, line 42, after "laws" insert "**and fire safety laws**".

13 Page 28, line 4, after "law" insert "**or fire safety law**".

14 Page 28, line 5, delete "." and insert "**or fire safety law.**".

15 Page 28, line 8, after "law" insert "**or fire safety law**".

16 Page 28, line 11, after "law" insert "**or fire safety law**".

17 Page 28, line 13, after "law" insert "**or fire safety law**".

18 Page 28, line 16, after "law" insert "**or fire safety law**".

19 Page 28, line 20, after "law" insert "**or fire safety law**".

20 Page 28, line 23, delete "." and insert "**or fire safety law.**".

21 Page 28, line 25, after "law" insert "**or fire safety law**".

22 Page 28, line 28, delete "." and insert "**or fire safety law.**".

23 Page 28, between lines 32 and 33, begin a new paragraph and insert:

24 "SECTION 40. IC 22-14-2-7 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 7. (a) This section
26 does not limit the powers, rights, duties, and other responsibilities of
27 municipal or county governments or impose requirements affecting
28 pension laws or any other laws.

29 (b) This section does not require a member of a fire department to
30 be certified.

31 (c) The education board may:

32 (1) certify firefighting training and education programs that meet
33 the standards set by the education board;

34 (2) certify fire department instructors who meet the qualifications
35 set by the education board;

36 (3) direct research in the field of firefighting and fire prevention
37 and accept gifts and grants to direct this research;

38 (4) recommend curricula for advanced training courses and

seminars in fire science or fire engineering training to public and private institutions of higher education;

(5) certify fire service personnel and nonfire service personnel who meet the qualifications set by the education board;

(6) require fire service personnel certified at any ~~instructor~~ level to fulfill continuing education requirements in order to maintain certification;

(7) contract or cooperate with any person and adopt rules under IC 4-22-2 to carry out its responsibilities under this section; or

(8) grant a variance to a rule the education board has adopted.

SECTION 41. IC 22-15-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. (a) This section applies to a provision of this article that requires an applicant for a certification, registration, permit, approval, or other license to:

(1) demonstrate that the person is in compliance with all building laws, **fire safety laws**, or equipment laws; or

(2) submit proof that a person is acting or will act in conformity with all building laws, **fire safety laws**, or equipment laws.

(b) Compliance with the conditions of a variance issued under IC 22-13-2-11 shall be treated under this article as compliance with the building law, **fire safety law**, or equipment law from which the variance is granted."

Page 28, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 43. IC 22-15-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 1. (a) The ~~office~~ **building law compliance officer employed under IC 10-19-7-4** shall issue a design release for:

(1) the construction of a Class 1 structure to an applicant who qualifies under section 2 or 3 of this chapter; and

(2) the fabrication of an industrial building system or mobile structure under section 4 of this chapter.

~~(b) The office may not issue a design release until the plans and specifications submitted with the application have been:~~

~~(1) presented to the office of the state fire marshal by the office; and~~

~~(2) approved in writing by the office of the state fire marshal;~~

~~(c) A meeting between the executive director of the department, the state building commissioner, and the state fire marshal may be called~~

1 by the executive director:

- 2 (1) upon request of the state building commissioner or the state
 3 fire marshal; if the state building commissioner and the state fire
 4 marshal cannot agree on the issuance of a design release; or
 5 (2) upon request of the applicant for the design release; if the
 6 office and the office of the state fire marshal have not acted to
 7 issue or deny the design release within a reasonable time after the
 8 application is submitted to the office:

9 (d) At a meeting called under subsection (c), the executive director
 10 of the department, the state building commissioner, and the state fire
 11 marshal shall review the application for a design release and shall, by
 12 majority vote, issue a final decision:

13 (e) Subject to subsection (b), (b) The office building law
 14 compliance officer may issue a design release based on a plan review
 15 performed by a city, town, or county if:

- 16 (1) the state building commissioner law compliance officer has
 17 certified that the city, town, or county is competent; and
 18 (2) the city, town, or county has adopted the rules of the
 19 commission under IC 22-13-2-3.

20 (f) (c) For the purposes of subsection (e)(1), competency must be
 21 established by a test approved by the commission and administered by
 22 the division of education and information.

23 (g) (d) A design release issued under this chapter expires on the date
 24 specified in the rules adopted by the commission.

25 SECTION 44. IC 22-15-3-2 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. To qualify for a
 27 design release under this section, an applicant must:

- 28 (1) demonstrate, through the submission of plans and
 29 specifications for the construction covered by the application, that
 30 the construction will comply with all applicable building laws and
 31 fire safety laws;
 32 (2) pay the fees set under IC 22-12-6-6;
 33 (3) have the plans and specifications:
 34 (A) prepared by a registered architect or professional engineer
 35 who is:
 36 (i) competent to design the construction covered by the
 37 application as determined by the office; and
 38 (ii) registered under IC 25-4 or IC 25-31;

- 1 (B) include on each page of all drawings and the title page of
- 2 all specifications the seal of the registered architect or
- 3 professional engineer described by clause (A) or the person's
- 4 technical or professional staff; and
- 5 (C) filed by the registered architect or professional engineer
- 6 described by clause (A) or the person's technical or
- 7 professional staff; and
- 8 (4) submit a certificate prepared on a form provided by the office
- 9 and sworn or affirmed under penalty of perjury by the registered
- 10 architect or professional engineer described in subdivision (3)(A):
- 11 (A) providing an estimate of the cost of the construction
- 12 covered by the application, its square footage, and any other
- 13 information required under the rules of the commission;
- 14 (B) stating that the plans and specifications submitted for the
- 15 application were prepared either by or under the immediate
- 16 supervision of the person making the statement;
- 17 (C) stating that the plans and specifications submitted for the
- 18 application provide for construction that will meet all building
- 19 laws; and
- 20 (D) stating that the construction covered by the application will
- 21 be subject to inspection at intervals appropriate to the stage of
- 22 the construction by a registered architect or professional
- 23 engineer identified in the statement for the purpose of
- 24 determining in general if work is proceeding in accordance
- 25 with the released plans and specifications.
- 26 SECTION 45. IC 22-15-3-3 IS AMENDED TO READ AS
- 27 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 3. (a) This section
- 28 applies only to an application for a design release to construct:
- 29 (1) A Class 1 structure with thirty thousand (30,000) or fewer
- 30 cubic feet of space;
- 31 (2) An addition to a Class 1 structure, if the addition adds thirty
- 32 thousand (30,000) or fewer cubic feet of space;
- 33 (3) An alteration to a Class 1 structure, if the alteration does not
- 34 involve changes affecting the structural safety of the Class 1
- 35 structure; or
- 36 (4) An installation or alteration of an automatic fire sprinkler
- 37 system in a Class 1 structure by persons qualified pursuant to rules
- 38 set forth by the fire prevention and building safety commission.

(b) To qualify for a design release under this section, an applicant must **do the following:**

(1) Demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws and **fire safety laws.**

(2) Pay the fees set under IC 22-12-6-6.

SECTION 46. IC 22-15-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 4. (a) This section applies to a design release for the fabrication of a model or other series of similar industrialized building systems or mobile structures.

(b) To qualify for a design release under this section, an applicant must:

(1) demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws **and fire safety laws;**

(2) have the submitted plans and specifications prepared by an architect registered under IC 25-4 or a professional engineer registered under IC 25-31, if required under the rules adopted by the commission; and

(3) pay the fees set under IC 22-12-6-6.

SECTION 47. IC 22-15-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 1. (a) The office shall certify an industrialized building system for use in Indiana to an applicant who qualifies under this section. If an applicant qualifies for certification under this section, the office shall provide the applicant with a seal for the certified industrial building system.

(b) To qualify for a certification under this section, an applicant must:

(1) submit proof that the office has issued a design release under IC 22-15-3 for the model or series of industrialized building systems being constructed;

(2) demonstrate, in an in-plant inspection, that the industrialized building system covered by the application has been constructed in conformity with all applicable building laws **and fire safety laws;** and

(3) pay the fee set by the commission under IC 22-12-6-6.

1 (c) The exemption under IC 22-13-4-2 applies to an industrialized
2 building system certified under this section.

3 SECTION 48. IC 22-15-4-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. (a) The office
5 shall certify a mobile structure for sale and use in Indiana for an
6 applicant who qualifies under this section. If an applicant qualifies for
7 certification under this section, the office shall provide the applicant
8 with a seal for the certified mobile structure.

9 (b) To qualify for certification under this section, an applicant must:

10 (1) submit proof that the office has issued a design release under
11 IC 22-15-3 for the model or series of mobile structures being
12 constructed;

13 (2) demonstrate, in an in-plant inspection, that the mobile
14 structure covered by the application has been constructed in
15 conformity with all applicable building laws **and fire safety laws**;

16 (3) certify in an affidavit that a seal provided by the office will not
17 be attached to a mobile structure that does not conform to the
18 requirements adopted by the commission in its rules; and

19 (4) pay the fee set by the commission under IC 22-12-6-6.

20 (c) The exemption under IC 22-13-4-2 applies to a mobile structure
21 certified under this chapter.

22 SECTION 49. IC 36-7-2-9 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 9. Each unit shall
24 require compliance with:

25 (1) the code of building laws **and fire safety laws** that is adopted
26 in the rules of the fire prevention and building safety commission
27 under IC 22-13;

28 (2) orders issued under IC 22-13-2-11 that grant a variance to the
29 code of building laws **and fire safety laws** described in
30 subdivision (1);

31 (3) orders issued under IC 22-12-7 that apply the code of building
32 laws described in subdivision (1);

33 (4) IC 22-15-3-7; and

34 (5) a written interpretation of a building law **and fire safety law**
35 binding on the unit under IC 22-13-5-3 or IC 22-13-5-4.".

36 Page 29, line 23, delete "May" and insert "**April**".

37 Page 29, line 42, delete "May" and insert "**April**".

38 Page 30, line 2, delete "May" and insert "**April**".

- 1 Page 30, line 5, delete "May" and insert "**April**".
- 2 Page 30, line 10, delete "May" and insert "**April**".
- 3 Page 30, line 11, delete "May" and insert "**April**".
- 4 Page 30, line 12, delete "May" and insert "**April**".
- 5 Page 30, line 22, delete "May" and insert "**April**".
- 6 Page 30, line 31, delete "May" and insert "**April**".
- 7 Page 30, line 35, delete "May" and insert "**April**".
- 8 Page 30, line 37, delete "May" and insert "**April**".
- 9 Page 30, line 40, delete "May" and insert "**April**".
- 10 Page 31, line 2, delete "May 15" and insert "**April 15**".
- 11 Page 31, line 2, delete "on May" and insert "**on April**".
- 12 Page 31, line 3, delete "May" and insert "**April**".
- 13 Page 31, line 10, delete "May" and insert "**April**".
- 14 Page 31, line 18, delete "May" and insert "**April**".
- 15 Page 31, line 30, delete "May" and insert "**April**".
- 16 Page 31, line 32, delete "May" and insert "**April**".
- 17 Page 31, line 34, delete "May" and insert "**April**".
- 18 Page 31, line 38, delete "before May" and insert "**before April**".
- 19 Page 31, line 38, delete "on May" and insert "**on April**".
- 20 Page 31, line 39, delete "May" and insert "**April**".
- 21 Page 32, line 7, delete "May" and insert "**April**".
- 22 Page 32, line 19, delete "May" and insert "**April**".
- 23 Page 32, line 35, delete "May" and insert "**April**".
- 24 Page 32, line 37, delete "May" and insert "**April**".
- 25 Page 32, line 40, delete "May" and insert "**April**".
- 26 Page 33, line 2, delete "May" and insert "**April**".
- 27 Page 33, line 3, delete "May" and insert "**April**".
- 28 Page 33, line 4, delete "May" and insert "**April**".
- 29 Page 33, line 14, delete "May" and insert "**April**".
- 30 Page 33, line 21, delete "May" and insert "**April**".
- 31 Page 33, line 26, delete "May" and insert "**April**".
- 32 Page 33, line 28, delete "May" and insert "**April**".
- 33 Page 33, line 30, delete "May" and insert "**April**".
- 34 Page 33, line 35, delete "May 15, 2005, that" and insert "**April 15,**
- 35 **2005, that**".
- 36 Page 33, line 35, delete "on May" and insert "**on April**".
- 37 Page 33, line 37, delete "May" and insert "**April**".
- 38 Page 34, line 5, delete "May" and insert "**April**".

- 1 Page 34, line 15, delete "May" and insert "**April**".
- 2 Page 34, line 16, delete "May" and insert "**April**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 56 as printed February 25, 2005.)

and when so amended that said bill do pass.

Representative Ruppel